

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

FILED
JUL 23 2008
By PATRICK E. DUFFY, CLERK
DEPUTY CLERK, MISSOULA

CR 08-24-M-DWM

Plaintiff,

vs.

FINDINGS AND RECOMMENDATION
CONCERNING PLEA

JOHN WILLIAM HOY,

Defendant.

The Defendant, by consent, has appeared before the undersigned pursuant to Fed. R. Crim. P. 11 and has entered a plea of guilty to the charge of receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2), and possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B), as set forth in the Indictment. After examining the Defendant under oath, I have made the following determinations:

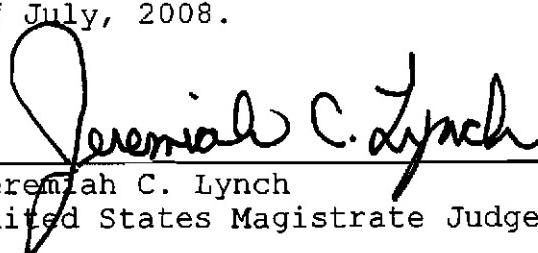
1. That the Defendant is fully competent and capable of entering an informed and voluntary plea,
2. That the Defendant is aware of the nature of the charge against him and consequences of pleading guilty to the charge,
3. That the Defendant fully understands his constitutional

rights, and the extent to which he is waiving those rights, by pleading guilty, and,

4. That the plea of guilty is a knowing and voluntary plea, supported by an independent basis in fact sufficient to prove each of the essential elements of the offense charged.

Therefore, I recommend that the Defendant be adjudged guilty and that sentence be imposed.¹ A presentence report has been ordered.

DATED this 23rd day of July, 2008.



Jeremiah C. Lynch

United States Magistrate Judge

¹ Objections to these Findings and Recommendation are waived unless filed and served within ten (10) days. 28 U.S.C. § 636(b)(1)(B); Fed. R. Crim. P. 59(b)(2).